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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,678	11/02/2000	Hiroyuki Kanemitsu	04739.0067	2921
22852	7590	02/06/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			LELE, TANMAY S	
			ART UNIT	PAPER NUMBER
			2684	4
DATE MAILED: 02/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/703,678	KANEMITSU, HIROYUKI
	Examiner Tanmay S Lele	Art Unit 2684

... The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 November 2000.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 02 November 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because “thee” in line 9 (assumed to be “the”). Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1 –3, 5,12, 20, and 22 are rejected under 35 U.S.C. 102(a) as being anticipated by Shigeki (Shigeki, Japanese Patent Publication No. 11-220703).

Regarding claims 1 and 20, Shigeki teaches of a broadcast receiving device and a storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform method steps (Figure 1), comprising: a supplementary information acquiring means for acquiring supplementary information transmitted together with broadcast content (paragraphs 0002 and 0004); a display means for displaying said supplementary information (paragraphs 0004 and 0006); a processing means for processing said supplementary information for displaying on said display means (paragraphs 0004 and 0006); and a memory means for storing, separately for each genre of broadcast contents, a degree of display priority for each of plural types of topic information related to description of a broadcast content (paragraphs 0006, 0015, and 0016); wherein said processing means obtains genre information and topic information from said acquired supplementary information, and displays said topic information on said

display means according to said display priority degree stored in said memory means corresponding to the obtained genre information (Figure 3 and paragraphs 0021, 0024, 0025, 0026 and 0032).

Regarding claim 2, Shigeki teaches all the claimed limitations as recited in claim 1. Shigeki further teaches of wherein said memory means stores, separately for each genre, a priority ranking table defining priority ranking related to display of a plurality of topics (paragraph 0018).

Regarding claim 3, Shigeki teaches all the claimed limitations as recited in claim 1. Shigeki further teaches of comprising: a means for a user to input a selection of a topic to be displayed (paragraph 0015); wherein a display priority degree stored in said memory means is changed according to a number of times of topic selection by the user (paragraph 0017).

Regarding claim 5, Shigeki teaches all the claimed limitations as recited in claim 1. Shigeki further teaches of wherein said processing means includes a search processing means which displays a program search screen image on said display means (paragraphs 0038 and 0042), said program search screen image sequentially indicating, as search keywords used for program search (paragraphs 0038 and 0042), said topic information included in said supplementary information in order from the highest display priority degree (paragraphs 0038 and 0042).

Regarding claim 12, Shigeki teaches all the claimed limitations as recited in claim 1. Shigeki further teaches of wherein said supplementary information is a program sequence information of a digital broadcast (paragraph 0002).

Regarding claim 22, Shigeki teaches all the claimed limitations as recited in claim 20.

Shigeki further teaches of wherein said storage device is readable by a computer for a receiver (Figure 1).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shigeki (Shigeki, Japanese Patent Publication No. 11-220703) as applied to claim 1 above, and further in view of Herz (Herz, US Patent No. 6,029,195).

Regarding claim 4, Shigeki teaches all the claimed limitations as recited in claim 1. Shigeki further teaches of displays said topic information according to said display priority degree based on the genre (paragraphs 0006, 0015, and 0016).

Shigeki does not specifically teach of wherein when no genre information is included in said supplementary information, said processing means estimates a genre from said topic information.

In a related art dealing with a system for customized identification of electronic objects, Herz teaches of wherein when no genre information is included in said supplementary information, said processing means estimates a genre from said topic information (starting column 27, line 59 and ending column 28, line 8).

It would have been obvious to one skilled in the art at the time of invention to have included into Shigeki's program retrieval system, Herz's genre determination, for the purposes of customizing a system to a user's preferences, enabling the user to view desired content without repeated exertion and waste of time, as taught by Herz.

6. Claims 6 – 9, 16, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shigeki (Shigeki, Japanese Patent Publication No. 11-220703) in view of Wehmeyer (Wehmeyer, US Patent No. 6,169,543).

Regarding claims 6 and 21, Shigeki teaches of a broadcast receiving device and a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform method steps (Figure 1), comprising: a supplementary information acquiring means for acquiring supplementary information transmitted together with broadcast content (paragraphs 0002 and 0004); a display means for displaying said supplementary information (paragraphs 0004 and 0006); and a processing means for processing said supplementary information for displaying on said display means (paragraphs 0004 and 0006); wherein said processing means includes a search processing means for extracting from said supplementary information a search used for program search, displaying on said display means a program search screen image including the extracted search keyword (paragraphs 0038 and 0042), and displaying on said display means a search result screen image based on a program search using a search selected by a user (paragraphs 0038 and 0042).

Shigeki does not specifically teach of the keyword.

In a related art dealing with the customization of programming guides, Wehmeyer teaches keyword searches (starting column 14, line 54 and ending column 15, line 7).

It would have been obvious to one skilled in the art at the time of invention to have included into Shigeki's search engine, Wehmeyer's keyword searches, for the purposes of efficient and fast access of information and further providing means to search for customized information, as taught by Wehmeyer.

Regarding claim 7, Shigeki in view of Wehmeyer teach all the claimed limitations recited in claim 6. Wehmeyer further teaches of wherein said search processing means extracts, as said search keyword, topic information included in said supplementary information and related to description of the broadcast content (starting column 14, line 54 and ending column 15, line 7).

Regarding claim 8, Shigeki in view of Wehmeyer teach all the claimed limitations as recited in claim 6. Shigeki further teaches of wherein when the user instructs a search while a topic information related to description of said broadcast content is displayed (paragraph 0042), displayed image is switched to a program search screen image and Wehmeyer further teaches of including said topic information as a search keyword (column 14, lines 56 –67).

Regarding claim 9, Shigeki in view of Wehmeyer teach all claimed limitations as recited in claim 6. Shigeki and Wehmeyer further teach of further comprising: a keyword storing means for automatically storing, as a search keyword, a topic information included in a supplementary information corresponding to a program watched or listened to by the user (Shigeki: paragraph 0039 –0042 and Wehmeyer: column 2, lines 50 –61 and column 14, lines 61 –67).

Regarding claim 16, Shigeki in view of Wehmeyer teach all the claimed limitations as recited in claim 6. Shigeki further teaches of wherein said supplementary information is a program sequence information of a digital broadcast (paragraph 0002).

Regarding claim 23, Shigeki in view of Wehmeyer teach all the claimed limitations as recited in claim 21. Shigeki further teaches of wherein said storage device is readable by a computer for a receiver (Figure 1).

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shigeki (Shigeki, Japanese Patent Publication No. 11-220703) in view of Wehmeyer (Wehmeyer, US Patent No. 6,169,543) as applied to claim 9 above, and further in view of Ryan et al (Ryan, US Patent No. 6,421,675).

Regarding claim 10, Shigeki in view of Wehmeyer teach all the claimed limitations as recited in claim 9. Shigeki in view of Wehmeyer do not specifically teach of wherein said keyword storing means stores, in correlation with each corresponding topic information, a keyword priority degree according to a number of times of topic information extraction; and said search processing means displays the stored topic information on the program search screen image according to said keyword priority degree (though Shigeki does allude to display according to priority in for example paragraph 0039).

In a related art dealing with searching content in a variety of media, Ryan teaches of 10. wherein said keyword storing means stores, in correlation with each corresponding topic information, a keyword priority degree according to a number of times of topic information extraction (column 2, lines 25 –36; column 34, lines 5 – 27; and column 36, lines 64 – 67); and said search processing means displays the stored topic information on the program search screen image according to said keyword priority degree (column 2, lines 25 –36; column 34, lines 5 – 27; and column 36, lines 64 – 67).

It would have been obvious to one skilled in the art at the time of invention to have included into Shigeki and Wehmeyer's search system, Ryan's search strategy, for the purposes of enhance the efficiency, usability, and effectiveness of a search engine, as taught by Ryan

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shigeki (Shigeki, Japanese Patent Publication No. 11-220703) in view of Wehmeyer (Wehmeyer, US Patent No. 6,169,543) as applied to claim 9 above, and further in view of Watanabe (Watanabe, Japanese Patent Publication No. 10-200431).

Regarding claim 11, Shigeki in view of Wehmeyer teach all the claimed limitations as recited in claim 9. Shigeki and Wehmeyer further teach of further comprising: a keyword mode switching means for switching between a receiving program keyword indicating mode in which a topic information within a supplementary information corresponding to a program presently received for listening and/or watching is displayed as a search keyword on the program search screen image (Shigeki: paragraphs 0039 – 0042 and Wehmeyer column 14, lines 61 –67).

Shigeki in view of Wehmeyer do not specifically teach of a registered keyword indicating mode in which a topic information stored in said keyword storing means as a search keyword is indicated on the program search screen image.

In a related art dealing with keyword retrieval systems in broadcast, Watanabe teaches of a registered keyword indicating mode in which a topic information stored in said keyword storing means as a search keyword is indicated on the program search screen image (paragraph 0001 and 0027 – 0029).

It would have been obvious to one skilled in the art at the time of invention to have included into Shigeki and Wehmeyer's search methods, Watanabe's search mode, for the purposes of searching and displaying information with respect to topic, as taught by Watanabe.

9. Claims 13 –15 and 17 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shigeki (Shigeki, Japanese Patent Publication No. 11-220703) or Shigeki (Shigeki, Japanese Patent Publication No. 11-220703) in view of Wehmeyer (Wehmeyer, US Patent No. 6,169,543) as applied to claim 1 or 6 above, and further in view of Shiga (Shiga, US Patent No. 6,005,562).

Regarding claims 13 and 17, Shigeki or Shigeki in view of Wehmeyer, teach all the claimed limitations as recited in claims 1 and 6. Shigeki or Shigeki in view of Wehmeyer do not specifically teach of wherein said supplementary information includes an extended format event descriptor.

In a related art dealing with digital broadcast, Shiga teaches of wherein said supplementary information includes an extended format event descriptor (starting column 12, line 60 and ending column 13, line 5).

It would have been obvious to one skilled in the art at the time of invention to have included into Shigeki or Shigeki in view of Wehmeyer's broadcast system, Shiga's identifier, for the purposes of including content to broadcast signals used by users to better make a selection, as taught by Shiga.

Regarding claims 14 and 18, Shigeki or Shigeki in view of Wehmeyer, teach all the claimed limitations as recited in claims 1 and 6. Shigeki or Shigeki in view of Wehmeyer do not

specifically teach of wherein said supplementary information includes a content descriptor (though such concepts are alluded to in Shigeki in paragraphs 0002 –0004).

In a related art dealing with digital broadcast, Shiga teaches of wherein said supplementary information includes a content descriptor (starting column 12, line 60 and ending column 13, line 5).

It would have been obvious to one skilled in the art at the time of invention to have included into Shigeki or Shigeki in view of Wehmeyer's broadcast system, Shiga's identifier, for the purposes of including content to broadcast signals used by users to better make a selection, as taught by Shiga.

Regarding claims 15 and 19, Shigeki or Shigeki in view of Wehmeyer, teach all the claimed limitations as recited in claims 1 and 6. Shigeki or Shigeki in view of Wehmeyer do not specifically teach of wherein said supplementary information includes a short format event descriptor.

In a related art dealing with digital broadcast, Shiga teaches of wherein said supplementary information includes a short format event descriptor (starting column 12, line 60 and ending column 13, line 5).

It would have been obvious to one skilled in the art at the time of invention to have included into Shigeki or Shigeki in view of Wehmeyer's broadcast system, Shiga's identifier, for the purposes of including content to broadcast signals used by users to better make a selection, as taught by Shiga.

***Conclusion***

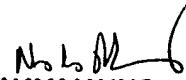
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Tanmay S Lele  
Examiner  
Art Unit 2684

tsl  
January 26, 2004

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**